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June 16, 2025

Submitted via Regulations.gov

Chris Wright, Secretary
U.S. Department of Energy
c/o David Taggart
Office of the General Counsel
1000 Independence Avenue SW
Washington, DC 20585

RE: DOE-HQ-2025-0023; Rescinding Regulations Related to Nondiscrimination in Federally Assisted Programs or Activities (Nondiscrimination on the Basis of Age).

Dear Secretary Wright:

On behalf of the more than three million members of the National Education Association (NEA), I am writing in opposition of the recently published direct final rule (DFR), “Rescinding Regulations Related to Nondiscrimination in Federally Assisted Programs or Activities (Nondiscrimination on the Basis of Age.”

The Age Discrimination Act of 1975 prohibits discrimination on the basis of age in programs and activities receiving federal financial assistance. Removing the explicit authorization for a recipient of federal financial assistance to proactively seek to remove barriers limiting participation based on age undermines the law by assuming that a recipient has no responsibility until discrimination has occurred. Our goal must always be to proactively ensure equal opportunity so that we might reap the benefits that come from all Americans’ participation in federally funded activities. While enforcement in response to discrimination is critically important, it is always preferable to act affirmatively to remove barriers before they cause harm.

While there is no administrative process that would justify the narrowing of our civil rights laws or the enabling of discrimination, the use of the direct final rule process in this instance reinforces the inappropriateness of the agency’s action. The direct final rule process is intended for noncontroversial rules that are unlikely to raise objections. This regulation, and the way in which it seeks to discourage the proactive pursuit of equal opportunity, is certainly controversial.

We urge DOE to withdraw this DFR. Thank you for considering this significant adverse comment. Please do not hesitate to contact me or Bianca Singh at BSingh@nea.org should you have any questions.

Sincerely,

A handwritten signature in black ink, reading "Daaiyah Bilal-Threats". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Daaiyah Bilal-Threats
Senior Director, Education Policy and Implementation Center
National Education Association